

REMARKS

Because U.S. Patent No. 6,641,592 (hereinafter "the '592 reference") is the closest reference, it will be addressed initially. Claims 1-10, 12, 55 and 56 were rejected under 35 U.S.C. 102(e) as being anticipated by the '592 reference.

The presently claimed crimping and cutting device actually represents an improvement over the referenced design, which included, in the present inventor's view, an excess of complicated parts. Accordingly, the presently named inventors came up with a streamlined design, wherein proximal movement of the hammer head effects crimping of a retained ferrule and effects cutting of suture. The '592 does this by pivoting a blade through suture and against a wall (see FIGURE 16A in the '592 patent). The streamlined design gets rid of the pivoting blade entirely and instead uses a generally stationary surface as the cutting surface (see FIGURES 26-29 in the instant application).

Independent claims 1 and 55 have been amended to more clearly recite the elimination of the pivoting or moving blade component in the crimping and cutting design. Because the independent claims (in such a manner) distinguish over the '592 patent, reconsideration and allowance is respectfully requested.

Claims 1-3, 5-8, 10, 12-14, 55-56 and 58-59 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,643,289 to Sauer et al. (hereinafter "the '289 patent"). The '289 patent uses a sliding blade to cut suture. Accordingly, the same comments with regard to patentability of the instant claims applies. The above comments are incorporated herein by reference. For the same reasons as above, reconsideration and allowance of the claims is respectfully requested.

Claims 11 and 57 were rejected under 35 U.S.C. 103 as being unpatentable over the '289 patent in view of U.S. Patent No. 5,839,639 to Sauer et al. (hereinafter "the '639 patent").

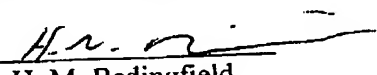
The '639 patent is directed to a staple deformed by an anvil and is presented according to the Examiner with reference to a teaching of a safety button. However, the '639

patent does not cure the deficiencies of the '289 patent with regard to the independent claims 1 and 55, from which claims 11 and 57 depend. Accordingly, the comments above with regard to the '289 patent are incorporated herein by reference. For the same reasons as discussed above, reconsideration and allowance of the claims is respectfully requested.

If there are any charges with respect to the presently submitted response or otherwise, please charge them to deposit account 06-1130, maintained by the Applicant's attorneys.

Respectfully Submitted,

CANTOR COLBURN, LLP
Applicant's Attorneys

By: 
H. M. Bedingfield
Registration No. 44,530

Dated: June 17, 2004
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929